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SERVICE DATE – SEPTEMBER 27, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 43 (Sub-No. 186X)

ILLINOIS CENTRAL RAILROAD COMPANY—ABANDONMENT  
EXEMPTION—IN HINDS COUNTY, MISS.

Decided: September 26, 2013

Illinois Central Railroad Company (IC), a wholly owned subsidiary of Canadian National Railway Company, filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 0.16 miles of rail line between mileposts 0.36 and 0.20, in Jackson, Hinds County, Miss. Notice of the exemption was served and published in the Federal Register on September 4, 2013 (78 Fed. Reg. 54,512). The exemption is scheduled to become effective on October 4, 2013.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on September 9, 2013. In the EA, OEA stated that the National Geodetic Survey (NGS) had not submitted comments regarding the potential impact of the proposed abandonment on any geodetic station markers that may be present in the project area. Accordingly, OEA recommended that a condition be imposed requiring IC to consult with NGS prior to beginning salvage activities. OEA stated that, if NGS identified any geodetic station markers that might be affected by the proposed abandonment, IC should notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers in order to plan for the possible relocation of the markers by NGS.

Comments to the EA were due September 24, 2013. In its final EA, OEA states that it received comments from NGS stating that no geodetic station markers are located in the area proposed for abandonment.

OEA also states that it received comments from the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP). In its comments, MDWFP identifies three State listed species of concern that may occur within two miles of the proposed abandonment. The three species identified by MDWFP are the tapered pondorn, the Alabama shad, and the rock pocketbook. MDWFP states that, if best management practices are properly implemented, monitored, and maintained, the proposed abandonment would likely pose no threat to these species of concern or their habitat.

Based on this new information, OEA no longer recommends the condition requiring IC to consult with NGS prior to any salvage activities. But, in order to address the concerns of MDWFP regarding potential impacts to State listed species of concern, OEA recommends that a

new condition be imposed requiring IC to consult with MDWFP regarding the implementation of appropriate and effective best management practices prior to beginning salvage activities.

Accordingly, the previously recommended condition requiring IC to consult with NGS will not be imposed, and the new condition recommended by OEA requiring IC to consult with MDWFP regarding the implementation of best management practices will be imposed as set forth below. This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on September 4, 2013, exempting the abandonment of the line described above is subject to the condition that, prior to beginning any salvage activities, IC shall consult with MDWFP regarding the implementation of appropriate and effective best management practices and shall comply with that agency's reasonable recommendations.
3. This decision is effective on its service date.

By the Board, Richard Armstrong, Acting Director, Office of Proceedings.